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Twenty-eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1856 (2008), by which the Security Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 December 2009 and requested me to report every three months on the situation in the Democratic Republic of the Congo. The report covers developments in the Democratic Republic of the Congo since my report of 27 March 2009 (S/2009/160).

II. Major developments

2. The overall situation in the Democratic Republic of the Congo continued to pose many complex challenges during the reporting period. In the eastern part of the country, despite an improved political environment and expanded State presence, the security situation remained very volatile and the humanitarian situation deteriorated. Military operations against foreign armed groups and the remaining Congolese armed groups continued, but the targeting of civilians by these groups contributed to high levels of additional population displacements and human rights abuses, including increased sexual violence perpetrated in some cases by Government security forces. While the rest of the country remained stable, there was no improvement in the socio-economic situation, and the financial crisis facing the country has made stabilization and peacebuilding efforts more difficult. Meanwhile, significant progress was achieved towards preparations for the local elections. However, observers continued to express concern at the limited progress towards critically needed governance reforms, curbing corruption and combating serious human rights abuses.

North Kivu

3. On 2 March, with the support of MONUC, the Armed Forces of the Democratic Republic of the Congo (FARDC) began operation Kimia II against the Democratic Liberation Forces of Rwanda (FDLR), primarily in the Lubero, Rutshuru and Masisi territories of North Kivu. During the reporting period, clashes

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between newly integrated FARDC battalions and FDLR took place in the areas of Virunga National Park, Kashebere and Luofu. On 7 April, President Kabila appointed General Amuli Bahigwa as the FARDC commander of the Kimia II operations. Separately, the Minister of Defense of the Democratic Republic of the Congo addressed a letter to my Special Representative on 29 May confirming that Bosco Ntaganda, who has been charged by the International Criminal Court (ICC) for alleged war crimes committed in Ituri in 2002 and 2003, is not involved in Kimia II.

4. As a result of the Kimia II operations, FARDC succeeded in reoccupying and retaining control of strategic locations from which FDLR elements had been dislodged during the joint military operations of the Democratic Republic of the Congo and Rwanda against FDLR between 20 January and 25 February. In addition, since March, 624 FDLR combatants have voluntarily participated in the MONUC disarmament, demobilization, repatriation, reintegration and resettlement (DDRRR) process. FARDC also succeeded in dislodging FDLR from some mining areas in Walikale, Lubero and Shabunda. In addition, FARDC conducted a series of military operations in Virunga National Park that were effective in pushing back and eliminating FDLR units. MONUC supported joint planning with FARDC and is providing it with logistical support.

5. For its part, FDLR has resorted to ambushing FARDC positions, especially in isolated locations, and carrying out reprisal attacks against civilians, including killings, burning down houses, raping and pillaging. FDLR attacks on the village of Luofu in Lubero territory on 17 April reportedly left seven people dead, including five children, and resulted in the burning down of 250 houses. These FDLR raids also resulted in the new displacement of up to 100,000 people in Lubero territory. On 9 May, FDLR attacks on 20 villages in the south-eastern part of the Walikale-Busunguri area resulted in the violent deaths of 69 civilians. During the Kimia II operations in North Kivu approximately 125 civilians are estimated to have been killed and about 50 injured.

Implementation of the 23 March agreement

6. The implementation of the peace agreement of 23 March negotiated under the auspices of my Special Envoy for the Great Lakes Region, former President of Nigeria Olusegun Obasanjo, between the Government, the Congrès national pour la défense du peuple (CNDP) and the other Congolese armed groups in North and South Kivu began during the reporting period. Following an initial delay, a national follow-up committee, comprising five members for each signatory, was established on 30 April to oversee the implementation of the agreement. Three subcommittees were established composed of, respectively, the Government and CNDP; the Government and North Kivu armed groups; and the Government and South Kivu armed groups. The committee held its first session from 4 to 27 May and adopted a revised implementation timetable for the agreement covering a three-month period. At the same time, CNDP representatives continued to express concern at the slow pace of implementation of their agreement with the Government, including with regard to the release of political prisoners and the integration of their elements into national political processes and institutions.

7. On 6 May, the Parliament of the Democratic Republic of the Congo adopted the amnesty law foreseen in the 23 March agreement, which President Kabila promulgated the following day. Despite calls from some members of the opposition to broaden its geographical scope, the law applies to acts of war and crimes committed in North and South Kivu. In addition, on the basis of the 23 March agreement, some CNDP administrative elements were deployed in Rutshuru and Masisi territories alongside existing State officials as part of the integration of CNDP elements into the provincial administration and political structures.

8. The accelerated integration of CNDP and other Congolese armed groups into FARDC, which began on 26 January, formally ended on 18 April. During the closing ceremony held in Goma, nine former armed groups, including representatives from CNDP and from the Coalition des patriotes résistants congolais (PARECO) Mayi-Mayi groups, signed a declaration stating that their elements had been either integrated into the national army or demobilized according to their own choice; declaring the end of the existence of armed groups in North Kivu; and stating that recalcitrant elements would be considered as armed bandits. According to FARDC, a total of 12,074 elements were integrated into the Army in North Kivu as a result of the accelerated integration process.

9. The unstructured way in which the accelerated integration took place, including the lack of a vetting process, led to serious delays in the payment of salaries, disparate levels of training, and the lack of barracks, equipment and adequate means of sustaining the considerably increased numbers. Some FARDC units continued to prey on the populations, and in some areas, ex-CNDP integrated elements continued to erect roadblocks and charge illegal taxes. Reports of desertions also increased during the reporting period.

10. On 4 May, seven Mayi-Mayi groups that are signatories of the 23 March agreement threatened to withdraw their integration into FARDC, citing differences over the nomination of representatives to the national follow-up committee. Some of the Mayi-Mayi groups also expressed discontent with the distribution of ranks within FARDC and the preference given to CNDP. Pockets of recalcitrant Mayi-Mayi and PARECO elements also resisted integration, particularly in Walikale and Masisi territories.

South Kivu

11. After significant joint planning between FARDC and MONUC, limited Kimia II operations were launched in South Kivu in early June. In addition, the humanitarian contingency and protection plans for South Kivu were updated in an effort to minimize the humanitarian impact of the operations. In response, FDLR has reportedly imposed restrictions on movements of civilians in the areas surrounding their strongholds and launched attacks on FARDC in the Bunyakiri area.

12. There was limited progress towards the integration of the South Kivu armed groups into FARDC during the reporting period. As of 16 June, only 829 armed group elements were registered at the cantonment centres of Luberizi and Kalehe. However, very few of these elements had been processed and no decision had been taken regarding their possible integration into FARDC brigades currently deployed in North and South Kivu. None of the approximately 150 Forces républicaines fédéralistes (FRF) elements and very few of the Yakutumba Mayi-Mayi had moved

to the cantonment centres. However, the number of candidates for integration or demobilization is expected to increase with the opening of a third South Kivu cantonment centre in Baraka, close to the FRF and Yakutumba zones of operation.

Orientale province

13. On 26 March, a joint directive was signed between FARDC and MONUC, initiating operation Rudia II. The operation aims to contain the threat of the Lord's Resistance Army (LRA) by dominating strategic areas, setting up protection networks for the local population, and encouraging LRA elements to voluntarily disarm. FARDC expanded their presence in the province to 6,300 soldiers deployed in a number of population centres in Haut Uélé and Bas Uélé. MONUC on its part continued to reinforce its deployment to the forward operating base in Dungu by increasing its force strength there to a total of 1,000 troops. The MONUC troops were initially deployed as part of Rudia II to the towns of Dungu and Duru in Haut Uélé.

14. Nevertheless, LRA reprisal attacks against civilians continued in the areas of Faradje, Dungu, Diagbe and Doruma, including killings, abductions and pillaging. These attacks have led to significant population displacements. On 11 June 2009, the Chiefs of Defence Staff of the Democratic Republic of the Congo, Uganda, and the Central African Republic met in Kisangani to assess progress in their joint operations against LRA and to agree on next steps.

Ituri

15. In Ituri, efforts to dislodge and neutralize remnant Forces de résistance patriotique d'Ituri (FRPI) and Front populaire pour la justice au Congo (FPJC) elements continued. On 12 April, FARDC, with logistical support from MONUC, launched Operation Iron Stone in southern Irumu. During this operation, which continued until 30 April, FARDC succeeded in recapturing more than 10 villages that were controlled by the rebels, killing at least 11 rebels and dispersing the remaining elements. FARDC continues to maintain control over strategic areas of southern Irumu. However, reports indicate that undisciplined elements of FARDC and the Congolese National Police have been harassing and committing abuses against the local population.

16. In parallel, on 19 May, the Ituri District Commissioner established a committee of 39 notables from 18 ethnic groups in Ituri to negotiate with the rebels. MONUC also held a meeting with 20 Kinshasa-based Ituri political leaders and encouraged their involvement to end the conflict in southern Irumu.

Activities of the Special Envoy of the Secretary-General

17. During the reporting period, my Special Envoy for the Great Lakes Region continued to focus on the three interrelated aspects of his mandate: ensuring political follow-up on the implementation of the 23 March agreement between the Government of the Democratic Republic of the Congo and armed groups; promoting good relations between the Governments of the Democratic Republic of the Congo

and Rwanda; and engaging the support of leadership in the broader Great Lakes region towards consolidation of peace in the eastern part of the Democratic Republic of the Congo.

18. In this regard, together with his co-facilitator, former President Mkapa of the United Republic of Tanzania, my Special Envoy actively engaged a number of heads of State in the region through regular briefings and exchanges. He met with the President of the Libyan Arab Jamahiriya and Chairman of the African Union, and also briefed members of the Security Council during their visit to Africa. My Special Envoy and his team met regularly, in Kinshasa and Goma, with members of the national follow-up committee to review the status of implementation of the 23 March agreement.

Institutions of Government and Parliament

19. Progress in the area of institutional reform was slow during the reporting period, including with respect to implementation of the Government programme for 2007-2011, the governance compact and the five priority areas ("cinq chantiers"). Following a letter sent on 28 May from the presidency to the Prime Minister instituting measures to curb substantial and repeated public spending, Prime Minister Adolphe Muzito faced public calls for his resignation by members of civil society and the Parliament, including a motion of no confidence introduced against him by members of the opposition in the Parliament on 10 June. The motion of no confidence was postponed.

20. Further to the developments described in my report of 27 March 2009 (S/2009/160) relating to the boycott by the Alliance pour la majorité présidentielle (AMP) of the regular session of the Parliament, the Speaker of the National Assembly, Vital Kamerhe, was replaced following a secret ballot vote on 11 April by Evariste Boshab, the Secretary General of the Parti du peuple pour la reconstruction et la démocratie (PPRD). The election of the new Speaker was preceded by the resignation of all the members of the bureau of the Assembly on 25 March, reportedly under some pressure from the presidency and the senior leadership of PPRD.

21. Despite delays in the activities of the Parliament caused by these developments, both chambers continued their legislative work and oversight activities. During the reporting period, the Parliament adopted key laws on the delimitation of the maritime boundaries of the Democratic Republic of the Congo, the law on amnesty for the armed groups in North and South Kivu, and a text authorizing the ratification of the 2003 Mutual Defense Pact of the Southern African Development Community (SADC). Important texts such as those pertaining to civil aviation and the Code of Hydrocarbons were adopted on the last two days before the closing of the current session of the Parliament on 15 June. However, key legislation pertaining to the local elections and the reform of the Congolese National Police remained pending.

Civil society

22. From 25 to 27 May, a symposium bringing together over 130 representatives of Congolese civil society organizations and networks was inaugurated in Kinshasa by my Special Representative for the Democratic Republic of the Congo. Some

30 invitees from the Government, the Parliament, the donor community and civil society representatives from Benin, Cameroon and Mozambique also participated. The symposium resulted in the adoption of the "Nganda declaration" which agreed on the establishment of a coordination framework of the main national civil society networks; the initiation of a structured strategic dialogue with institutional and international partners on development-related issues; and an assessment of progress on follow-up to the 2005 Paris Declaration on Aid Effectiveness. Another important outcome was the decision to create a consultative framework of civil society structures that would coordinate existing configurations on a thematic and geographical basis.

Humanitarian situation

23. The humanitarian situation in the eastern part of the Democratic Republic of the Congo continued to deteriorate during the reporting period. An estimated total of 1.7 million people are currently displaced in the eastern part of the Democratic Republic of the Congo, including 832,461 people in North Kivu, 445,900 in South Kivu, 190,000 people in Ituri, and 240,825 in Haut Uélé and Bas Uélé districts in Orientale province. Since January 2009, more than half a million people have been displaced from their homes or temporary shelters for internally displaced persons, owing mainly to the confrontations between FARDC and FDLR in North and South Kivu. On a more positive note, some 350,000 internally displaced persons have returned to their homes in North Kivu, mainly in Masisi and Rutshuru territories.

24. Although the delivery of humanitarian assistance was hampered by limited access and a significant increase in security incidents against humanitarian personnel, efforts intensified during the reporting period to respond to the deterioration in the humanitarian situation. In North Kivu, 80 per cent of the planned food distributions were completed through an integrated programme designed to combine food and emergency agricultural aid. Cholera outbreaks in camps for internally displaced persons were successfully curbed. In South Kivu, the distribution of food and non-food items had to be suspended in April and May along the Bunyakiri-Hombo axis to avoid targeted pillaging of beneficiaries by armed groups. In the Dungu area of Orientale province, assistance for the affected populations had to be transported by means of an air bridge, serving more than 18,000 beneficiaries. MONUC has continued to provide extensive escort support at the request of a number of humanitarian agencies.

25. Gaps in financing have negatively impacted the 2009 Humanitarian Action Plan for the Democratic Republic of the Congo, which, at the time of reporting, had received $413 million of the requested $831 million.

Human rights situation

26. The human rights situation remained a cause for grave concern. Members of FARDC and the Congolese National Police were responsible for arbitrary executions, rape, arbitrary arrests, detention, torture, and cruel, inhuman and degrading treatment. Members of foreign armed groups, including FDLR and LRA, were responsible for massacres of civilians, arbitrary executions, abductions of villagers and sexual violence. In addition, elements of the intelligence services of

the Democratic Republic of the Congo, both civilian and military, as well as provincial authorities, reportedly intimidated members of the opposition, journalists and human rights defenders. Impunity for serious human rights violations also remained an issue of major concern during the reporting period. Two FARDC officers, one in detention on charges of rape, were freed from prison, allegedly with assistance from military colleagues.

27. The accelerated integration of armed groups into FARDC and the launch of operation Kimia II against FDLR coincided with a marked increase in the number of violations committed by elements of FARDC in North and South Kivu. Reports indicate that in a number of locations, FARDC soldiers coerced village chiefs into organizing forced labour, including of children, for the regular collection of food items and portage purposes. Soldiers are also reported to have pillaged villagers in their area of operations.

28. The Special Rapporteur of the Human Rights Council on the situation of human rights defenders visited the Democratic Republic of the Congo in May 2009 and recommended a series of changes both in the legislation and State practice.

Economic and financial situation

29. The Democratic Republic of the Congo continued to suffer from the impact of the global financial crisis. The decrease in commodity prices led to the closure of 40 mining companies and the layoff of over 300,000 workers in Katanga province alone. The decline in commodity prices and economic activity has also led to a 14 per cent decrease in public revenue since 2008 and has negatively affected the country's economy, which depends heavily on the export of raw materials. As a result, the growth rate declined from 6.2 per cent in 2008 to an expected 2.7 per cent in 2009.

30. The resulting increase in the budget deficit of the Democratic Republic of the Congo, which is partly being financed by monetary expansion, has led to an increase in inflation from 4 per cent in 2008 to a projected 25 per cent for 2009, and a depreciation of the Congolese franc by 28 per cent since December 2008 against the United States dollar. On 12 March, the International Monetary Fund (IMF) disbursed $195 million to mitigate the impact of the crisis on the balance of payments and to avoid default on debt service.

III. Implementation of the MONUC mandate

Progressive handover of MONUC tasks in the west

31. MONUC continues to take steps to implement the progressive transfer of the Mission's presences in the west to the eastern part of the country. MONUC began to undertake a mapping exercise to identify capacities in the Western provinces, the conditions for the progressive handover of operations to the United Nations Country Team (UNCT), and make recommendations for a transition timetable. To this end, a MONUC-UNCT joint Provincial Assessment Team was sent to Bandundu/Kiwkit in June. The mapping in the remaining Western provinces (Kasai Oriental, Kasai Occidental, Equateur and Bas Congo) is expected to be completed by the end of August.

32. On the basis of the recommendations of the Technical Assessment Mission outlined in my report of 27 March 2009 (S/2009/160), MONUC also began planning for the transfer of military observer team sites from the western to the eastern provinces; the concentration in Kinshasa of the Ghanaian platoons in the Western Brigade; the deployment of elements of the Tunisian battalion currently based in Kinshasa; and the relocation of a Jordanian level II hospital from Katanga to Dungu.

Strategic workplan

33. MONUC completed and shared the strategic workplan with the Security Council during the Council's mission to the Democratic Republic of the Congo on 18 and 19 May. The workplan includes benchmarks to measure and track progress on the implementation of activities mandated by the Council in paragraphs 3 and 4 of resolution 1856 (2008).

34. The Security Council mission was also briefed on the projected two main transitional phases of MONUC. The first phase includes the deployment of the additional capabilities authorized in resolution 1843 (2008) to the eastern part of the Democratic Republic of the Congo until mid-2010, at which point consideration could be given to the drawdown of the Mission's military assets. The second phase foresees the progressive handover to the United Nations country team and other partners of selected MONUC functions in the western provinces of the Democratic Republic of the Congo, on the basis of resolution 1856 (2008).

35. The projection is based on the achievement of key transition milestones, including the need for continued security and stability in the west, as well as significant progress on the consolidation of peace in the east and security sector reform that would enable FARDC to take over many current MONUC security functions. A further milestone would be the holding of presidential elections in 2011, managed by authorities of the Democratic Republic of the Congo with limited MONUC involvement or support.

Deployment of additional capabilities and reconfiguration of MONUC

36. With respect to the additional capabilities authorized in resolution 1843 (2008), pledges have yet to be received for the remaining 16 helicopters, one C-130 aircraft and intelligence equipment. Concerning the offers made and accepted, Egypt is preparing to deploy one infantry battalion, one special forces company and one formed police unit. The Egyptian military assets are expected to deploy before November 2009, while its formed police unit is expected in the Mission area in September-October. Bangladesh is expected to deploy an infantry battalion to MONUC in October, which will enable the transfer of the Pakistani battalion in Ituri to its homogeneous South Kivu brigade, where an urgent need exists for reinforcement. The Bangladeshi formed police unit is expected to be deployed by August, while the deployment of its engineering company will occur before the end of 2009. Jordan expects to deploy its special forces company by October. All three troop-contributing countries have completed their reconnaissance missions to the Democratic Republic of the Congo.

37. In addition, Belgium is expected to deploy one C-130 aircraft by the end of June, which will be based in Kisangani. Discussions are under way for the deployment of 200 trainers from the United Republic of Tanzania. The United Nations also recently accepted Uruguay's offer of two helicopters.

Protection of civilians

38. MONUC initiated innovative measures to enhance the protection of civilians during the reporting period. This included the deployment of over 25 Joint Protection Team (JPT) missions in 12 different locations in North Kivu to facilitate humanitarian access and to determine protection needs of communities that might be affected by military operations against FDLR. MONUC also established a rapid response cell and military quick reaction units in deployment locations and has developed an extensive network of contacts with the local population in high-risk areas. In addition, MONUC supported the deployment of FARDC to sensitive areas where protection needs are assessed to be highest. Nonetheless, in March and April 2009, MONUC registered a total of 64 attacks against civilians in North Kivu, mostly in the western Masisi and southern Lubero territories.

Child protection

39. In the first half of 2009, 1,617 children were separated from armed forces or groups: 1,477 in North Kivu, 131 in South Kivu and 318 in Orientale province. However, in the absence of a vetting process, some children were integrated into FARDC during the accelerated integration process in North Kivu. In addition, several cases of new recruitments of children by integrated FARDC troops were documented in North and South Kivu as well as in Katanga and in Kasai Occidental and Kasai Oriental.

40. MONUC, in consultation with the monitoring and reporting country task force established in the framework of resolution 1612 (2005) and working with the United Nations Children's Fund (UNICEF), has taken the lead in strategy planning and negotiation for an action plan with FARDC to prevent and end the recruitment and use of children, to release all children within their ranks, to open access to military facilities for verification purposes and to develop accountability measures.

Sexual violence

41. The situation relating to sexual violence in the Democratic Republic of the Congo remains of serious concern, with a substantial increase in incidents reported in FDLR and LRA controlled areas and in areas of deployment of recently integrated FARDC troops. An alarming increase in sexual violence has emerged in South Kivu since the beginning of 2009.

42. Despite reinforcement of the laws punishing sexual violence, military commanders, police investigating officers and magistrates continue to encourage families of rape victims to engage in out-of-court settlements, perpetuating the pervasive culture of impunity. Some progress was, however, registered when, on 24 April 2009, the military tribunal in Goma convicted 20 FARDC soldiers on a

series of charges including rape as a crime against humanity for acts committed during operations against FDLR in North Kivu in March 2008; however, a number of the convicted soldiers escaped during the attempt to transport them to a prison facility. In addition, on 3 June, the military tribunal in Kisangani convicted and sentenced five former Mayi Mayi combatants charged with mass rape, torture and forced labour as crimes against humanity for acts committed in Orientale province between 27 July and 3 August 2007. Investigation and prosecutions of both cases were supported by MONUC.

43. In response to the worsening situation and to resolution 1794 (2007), under the auspices of the United Nations Action against Sexual Violence in Conflict, a comprehensive strategy on combating sexual violence in the Democratic Republic of the Congo was finalized, and presented to the Government on 1 April 2009. The Government endorsed the strategy and affirmed its full commitment to the strategy's implementation. The strategy aims at providing a platform and framework for action to strengthen prevention and protection, and the response to sexual violence in complement to other ongoing initiatives, including reform of the security sector and the United Nations security and stabilization support strategy.

United Nations security and stabilization support strategy

44. During the reporting period, the Prime Minister's Office finalized its stabilization and reconstruction plan for areas emerging from armed conflict, the implementation of which will be supported by the international community through the United Nations security and stabilization support strategy. The expected cost of the plan, which includes interventions in the areas of security, State authority, returns, reintegration and economic recovery, amounts to $1.2 billion, of which over $400 million will be made available through donor contributions to the United Nations security and stabilization support strategy and to the Humanitarian Action Plan. In addition, support has been requested from the Peacebuilding Fund.

45. Activities continued within the framework of the United Nations security and stabilization support strategy in support of the stabilization and reconstruction plan for areas emerging from armed conflict. As of 16 June, 829 combatants were registered at the Luberizi and Kalehe cantonment centres in South Kivu. Rehabilitation work on the six priority axes continued, with the Rutshuru-Ishasha axis 90 per cent completed. Construction and rehabilitation of administrative and justice/penitentiary buildings commenced in June. A sensitization campaign for the repatriation of Rwandan refugees is planned for August 2009.

46. In addition, MONUC and the United Nations Office for Project Services (UNOPS) facilitated the deployment of 300 personnel of the Congolese National Police at Rutshuru, Kinyandoni and Nyamilima police stations along the Rutshuru-Ishasha axis and at Sake, Matanda, Kibabi and Masisi police stations along the Sake-Masisi axis. A total of 1,500 rapid intervention police officers will also participate in a refresher training course and be deployed to reinforce security along the priority axes in North Kivu, South Kivu and Haut Uélé.

47. Under the United Nations strategy, MONUC will also assist the Government's law enforcement and mine inspection agencies to progressively deploy in resource rich areas, with the objective of bringing mines currently under the control of armed groups within the control of the State. In this context, MONUC conducted the first

random airport checks in North and South Kivu during the reporting period. As part of the preparations for this activity, MONUC military observers were given an intensive training course, covering illegal exploitation of natural resources and the Mission's mandate with regard to the arms embargo imposed on illegal armed groups.

48. MONUC is also coordinating with international partners and local authorities to seek to ensure that the State receives taxes derived from the exploitation of minerals, metals and other natural resources. The Mission coordinates with various regional initiatives in this regard, including the recently established task force of the Great Lakes Contact Group, the International Conference on the Great Lakes Region and the Economic Community of the Great Lakes Countries.

Disarmament, demobilization, repatriation, reintegration and resettlement

49. Disarmament, demobilization, repatriation, reintegration and resettlement efforts with respect to foreign armed groups in the Democratic Republic of the Congo, facilitated by MONUC during the period January to June 2009 resulted in the repatriation of 1,118 Rwandan combatants along with 1,284 dependants, as well as 56 combatants from Burundi and Uganda. The number of Rwandans repatriated under United Nations auspices was 9,749, including 7,337 by the Office of the United Nations High Commissioner for Refugees (UNHCR). According to reports from various sources these efforts have helped to weaken the internal cohesion and morale of FDLR. In addition, MONUC increased the number of temporary assembly areas from 13 to 18 and established 4 mobile teams to improve its ability to conduct information and extraction operations. Twelve mobile radio transmitters were provided to these team sites, accompanied by an intensive information campaign implemented jointly with MONUC military, United Nations agencies and local authorities. MONUC also stepped up its disarmament, demobilization, repatriation, reintegration and resettlement efforts vis-à-vis LRA in order to address the continuing challenge posed by that group in Haut Uélé and Bas Uélé.

Disarmament, demobilization and reintegration

50. During the reporting period, MONUC continued to assist the Government of the Democratic Republic of the Congo to implement national disarmament, demobilization and reintegration efforts, in close cooperation with other relevant bodies and partners. On 23 April, the Minister of Defence officially launched the second phase of the national programme for disarmament, demobilization and reintegration. This phase targets the remaining caseload of 97,600 combatants (78,000 FARDC; 19,600 armed group elements) who were not fully demobilized and reintegrated during the first phase of the programme. To date, of the 3,086 FARDC that have been processed as part of the second phase of the programme, 1,941 have chosen to stay in the army and 1,145 have opted for demobilization.

51. However, the Government has excluded approximately 10,000 Republican Guard members from the national disarmament, demobilization and reintegration process. In addition, on 9 June the Ministry of Defence informed the World Bank that the process would not be carried out in North and South Kivu and Ituri. As a

consequence, it will not be possible to present the demobilization package of the national programme to the FARDC elements in North and South Kivu. Other disarmament, demobilization and reintegration options, notably community reintegration programmes implemented by the United Nations Development Programme (UNDP), are currently coordinated under the national Amani programme, established by the Government to support the implementation of the Goma Actes d'engagements. In North Kivu, of those integrated during the accelerated process, only 1,386 have opted for demobilization and community reintegration. In South Kivu, the disarmament, demobilization and reintegration process for armed groups began in mid-June and is ongoing.

Security sector reform

52. While security sector reform remains a key priority, the lack of a broader national debate on security sector reform policy and programming priorities continues to compromise progress on this issue.

53. A number of international partners, including Angola, South Africa, Belgium, France and the United States of America, are engaged in bilateral security sector reform initiatives, particularly in support of training and capacity-building for FARDC. The European Union Mission of Assistance for Security Sector Reform has also conducted a census of FARDC and established secure payment procedures for 16 battalions. However, there continues to be limited coordination among international partners on security sector reform. MONUC is seeking to expand its working group on security sector reform to include bilateral partners in addition to the European Union Mission of Assistance for Security Sector Reform and the European Union Police Mission in an effort to enhance information-sharing and move towards more strategic coordination on this critical issue.

54. MONUC is pursuing a three-pronged approach to implement its mandate in support of security sector reform. This approach calls for political engagement on security sector reform at the highest levels, and technical and capacity-building assistance as well as operational support, particularly in the areas of police and military training, with the aim of supporting the development of a comprehensive and sustainable national strategy on security sector reform.

Forces Armées de la République Démocratique du Congo

55. During the reporting period, President Kabila and the National Defence Council approved the revised army reform plan, issued by the Minister of Defence on 4 February 2009, the details of which were summarized in my report of 27 March 2009 (S/2009/160). The plan, which has since been revised further on the basis of comments from international partners and other stakeholders, is currently under review by the Parliament. However, it has yet to be shared with international partners.

56. In the meantime, an interim emergency reform plan has been developed that highlights immediate and short-term priorities for defence sector reform. In addition, terms of reference for a national coordination body to guide the defence sector reform process, Comité de suivi de la réforme de l'armée (CSRA), have been approved by the Minister of Defence and are under review by the President. It is expected that CSRA will be led by the Minister of Defence and will oversee an

executive secretary and technical working groups that will address specific elements of defence sector reform. CSRA will serve as the principal coordination mechanism for all national and international partners engaged in supporting the reform process.

57. In addition, MONUC has undertaken preparations to reinitiate its training programme for FARDC. However, owing to the ongoing military operations in the eastern part of the country, a lack of requisite logistics and equipment and delays in the payment of salaries, FARDC has yet to commit units to participate in the programme. Once the training programme restarts, all efforts will be made to ensure that it conforms with and is informed by the implementation of a comprehensive security sector reform strategy.

Police

58. With regard to the reform of the police, pending the adoption of the organic law that will be the main legal framework guiding the police reform process, MONUC police experts within CSRP, in collaboration with other partners, elaborated key additional legislation relating to the special status of the Congolese National Police and the Disciplinary Council.

59. MONUC has also continued to enhance the operational capacity of the Congolese National Police through daily monitoring, advising and technical assistance activities. A six-week mission in mid-April by the United Nations Department of Peacekeeping Operations Standing Police Capacity assisted the MONUC police component to revise its concept of operations, its training strategy and its approach to the reform of the Congolese National Police. As a result, special modules in operational competency, investigation competency, managerial competency and other special thematic policing domains are being introduced in the programme. This new orientation is expected to reinforce the MONUC police and Congolese National Police co-location programme.

60. In addition, in June MONUC began training 75,000 Congolese National Police officers in Kinshasa, who will provide security for the ongoing update of the electoral lists and the local elections. MONUC also agreed with the Government to train 2,067 Congolese National Police elements integrated from CNDP, PARECO and Mayi Mayi.

Rule of law

61. MONUC continued to support a Netherlands-funded joint training programme that was implemented in all provinces for military justice personnel and FARDC commanders. About 600 persons received a five-day training session on military justice, international criminal law and international human rights law, including issues relating to command responsibility and sexual violence. MONUC also organized jointly with the United States a training programme benefiting 400 FARDC officers on the rule of law and military justice in professional armed forces. MONUC is also proposing to strengthen the investigative capacity of military prosecutors through the creation of prosecution support cells in North and South Kivu, Maniema, Katanga and Ituri. An objective of this initiative is to enhance the collaboration of military justice authorities with the International Criminal Court.

62. MONUC also continued its support for strengthening the prison system with an emphasis on the creation of prison gardens and other self-sufficiency programmes. However, the paucity of trained staff, lack of prison training schools and crumbling infrastructure continue to provide an environment that is all too conducive to escape and to creating flashpoints for violence in prisons that are located in populated areas.

63. At the request of the Minister of Justice, MONUC has agreed to support the efforts of the Government in the process of consultation on transitional justice issues. In addition, MONUC continued its support for the Ministry to complete an ongoing audit of justice sector infrastructure and personnel throughout the country, with particular attention to district courts that will have a crucial role to play in dispute resolution for the forthcoming local elections.

Local elections

64. There has been some progress in the preparations for the local elections. The Independent Electoral Commission presented a revised budget which reduced the overall cost of the local elections from $190 million to $163 million, with the Government shouldering $31 million. The revised budget was endorsed by the Government of the Democratic Republic of the Congo and its international development partners on 24 March 2009.

65. On this basis, on 28 March the Independent Electoral Commission published the timetable for the first operation in the electoral process, the update of the voter register. The first phase began on 7 June in Kinshasa with the support of MONUC, UNDP and other partners. The second phase for the rest of the country is planned to begin on 2 August. The Independent Electoral Commission also reaffirmed its determination to organize the succeeding phases of the local election immediately after the voter registration update is concluded, with polling planned in the first quarter of 2010. Preparations by MONUC and UNDP in support of the Independent Electoral Commission for the next steps are already under way, including training, voter sensitization, and predeployment of electoral kits. The Independent Electoral Commission intends to announce the exact polling date during the update of the voter register.

66. A major concern continues to be the legal framework for the elections. The Independent Electoral Commission is yet to receive an authoritative list of the territorial entities which will effectively become the electoral constituencies. However, the relevant ministries have committed to transmit the required information to the Commission by the end of June 2009.

Public information

67. MONUC has continued to adapt the Mission's overall communications strategy and activities to better explain the mandate and reach key audiences. The programme grid of radio Okapi has been overhauled to strengthen its news and information components and to maintain its appeal to diverse audiences throughout the country. The feasibility of extending the Okapi FM signal into Haut Uélé is also being examined.

Observations

68. A number of follow-on steps to stabilize the situation in the eastern part of the Democratic Republic of the Congo and to build on the significant gains made during the first part of the year were taken since my report of 27 March 2009 (S/2009/160). The formal completion of the accelerated integration of the North Kivu armed groups and the start of the cantonment of South Kivu armed groups are important steps to end the role of armed groups in North and South Kivu. I also welcome the establishment of the national follow-up committee for the implementation of the 23 March agreement, and am encouraged that some of the commitments made by the Government are being fulfilled, including the accreditation of CNDP as a political party and the release of some CNDP prisoners.

69. The launch of operations Kimia II and Rudia II demonstrates the commitment of the Government of the Democratic Republic of the Congo to address the presence of foreign armed groups operating in the eastern part of the country, one of the main sources of conflict and tension in the Great Lakes region. Kimia II operations have now started in South Kivu, where the majority of FDLR elements have been entrenched for over a decade.

70. These developments notwithstanding, I am very concerned by the situation in the eastern part of the Democratic Republic of the Congo, which remains very fragile. The implementation of the 23 March agreement continues to face significant challenges, including the security and governance aspects of the agreement, as well as with respect to the promotion of community reconciliation and greater political participation. I have asked my Special Envoy and my Special Representative to continue to monitor the situation closely and press for the rapid implementation of these commitments.

71. New challenges have also emerged, which further increase the fragility and volatility of the situation in the eastern part of the Democratic Republic of the Congo. The capacity and conduct of the newly integrated FARDC units in North and South Kivu is one of those key challenges. As indicated in this report, many members of these units are unpaid, poorly trained and badly equipped. Command and control of the FARDC units is also extremely tenuous. In addition to the negative effect on military operations, this has resulted in increased desertions, mutinies, and a surge in unacceptable abuses against the very populations that these forces are expected to protect.

72. While MONUC logistical support has served to mitigate some of these effects, it is essential that the Government give the capacity and conduct of the newly integrated FARDC units the priority attention it requires, including by ensuring that all FARDC members are paid salaries in a timely manner; that barracks are built; that military police and justice are reinforced; and adequate training is provided. The Government is strongly urged to engage with MONUC on these critical issues within the framework of the letter dated 8 May 2009 addressed to the Minister of Defence by my Special Representative, which outlines concrete steps to enhance the integration of FARDC units. Immediate international support, including in the form of training and equipment, will be crucial in that regard. Effective vetting mechanisms and demobilization and community reintegration initiatives are also required. In the meantime, MONUC will closely monitor the performance and

conduct of FARDC units and withdraw support from any operation by those units that show blatant disregard for human rights and international humanitarian law.

73. The accelerated integration of thousands of armed group elements into FARDC has rendered the task of making tangible progress on security sector reform even more urgent and challenging. The establishment of effective, credible, well sustained and equipped professional national Congolese security forces would provide a guarantee for long-term stability and would facilitate the eventual withdrawal of MONUC. The Government is strongly encouraged to accord this critical issue the importance it merits. I further urge the Government and its partners to agree on the coordination arrangements for security sector reform, including for the development and implementation of a comprehensive security sector reform strategy under the leadership of the Government.

74. Another important challenge is the impact that the military operations have had on the civilian population, including as a result of the reprisal tactics by FDLR and LRA against innocent civilians. I am very concerned by the considerable increase in displacements and widespread atrocities committed against the populations of the eastern part of the Democratic Republic of the Congo in the past weeks. The protection of civilians must remain the first priority in all FARDC operations. I urge the Government of the Democratic Republic of the Congo to effectively integrate this critical dimension in the planning and conduct of all operations. In addition to the steps being taken by MONUC, as outlined in this report, I have requested MONUC and UNHCR to develop a United Nations system-wide concept on the protection of civilians in the Democratic Republic of the Congo encompassing security, humanitarian and human rights dimensions in order to reconcile the priority focus of MONUC on protecting civilians with its mandate to support FARDC operations.

75. It is also important to recognize that the military option alone cannot resolve the question of the armed groups in the eastern part of the Democratic Republic of the Congo. In this regard, and taking into consideration the provisions of the Nairobi Joint Communiqué, I have requested MONUC to develop a multidimensional approach to address the presence of FDLR, in close collaboration with the Governments of the Democratic Republic of the Congo and Rwanda, my Special Envoy for the Great Lakes Region and other partners. In accordance with resolution 1804 (2008), I also encourage those countries in which FDLR leaders are known to be based to take robust measures to address their role, including prosecution.

76. Broadening and deepening the improved bilateral relationship between the Governments of the Democratic Republic of the Congo and Rwanda will be critical to the success of this approach, and for longer-term stability in the region. Both Governments are encouraged to redouble their efforts to build on the positive momentum, including by reconvening the "four plus four" meetings, which have not been held recently. In this connection, I welcome the appointment of a Rwandan Ambassador to the Democratic Republic of the Congo, and encourage the Government of the Democratic Republic of the Congo to rapidly reciprocate this important diplomatic gesture. I have requested my Special Envoy to continue to engage President Kabila and President Kagame in support of the continued rapprochement between the two countries. He will also continue his efforts to promote reinvigorated regional cooperation, including through promoting the

implementation of the Pact of Security, Stability and Development in the Great Lakes Region.

77. In the light of the very volatile situation in the eastern part of the Democratic Republic of the Congo, the deployment of the additional capabilities authorized in resolution 1843 (2008) remains critical. I am concerned that the United Nations has not yet received any pledges for the remaining 16 helicopters, one C-130 aircraft and intelligence support, all of which will be critical to ensure the mobility of MONUC, and hence, timely responses in support of the protection of civilians. The full complement of these additional capabilities will be essential to the ongoing military engagement of MONUC in support of FARDC.

78. Military efforts in the eastern part of the Democratic Republic of the Congo also need to be complemented by rapid follow-up in terms of the restoration of State authority and recovery activities that deliver concrete peace dividends. The Government initiative to prepare, with the assistance of MONUC and partners, a stabilization and reconstruction plan is a positive step forward. I appeal to Member States to provide the additional resources required for the implementation of this plan and the United Nations security and stabilization support strategy, which has been aligned with the Government's plan.

79. The momentum gained in the preparation for the local elections with the launch of voter registration in Kinshasa on 7 June is welcomed. I encourage the Government to ensure that planned follow-on activities are implemented and its share of financial resources disbursed. It is important that this and other major prerequisites are completed on time to ensure that elections can take place as scheduled.

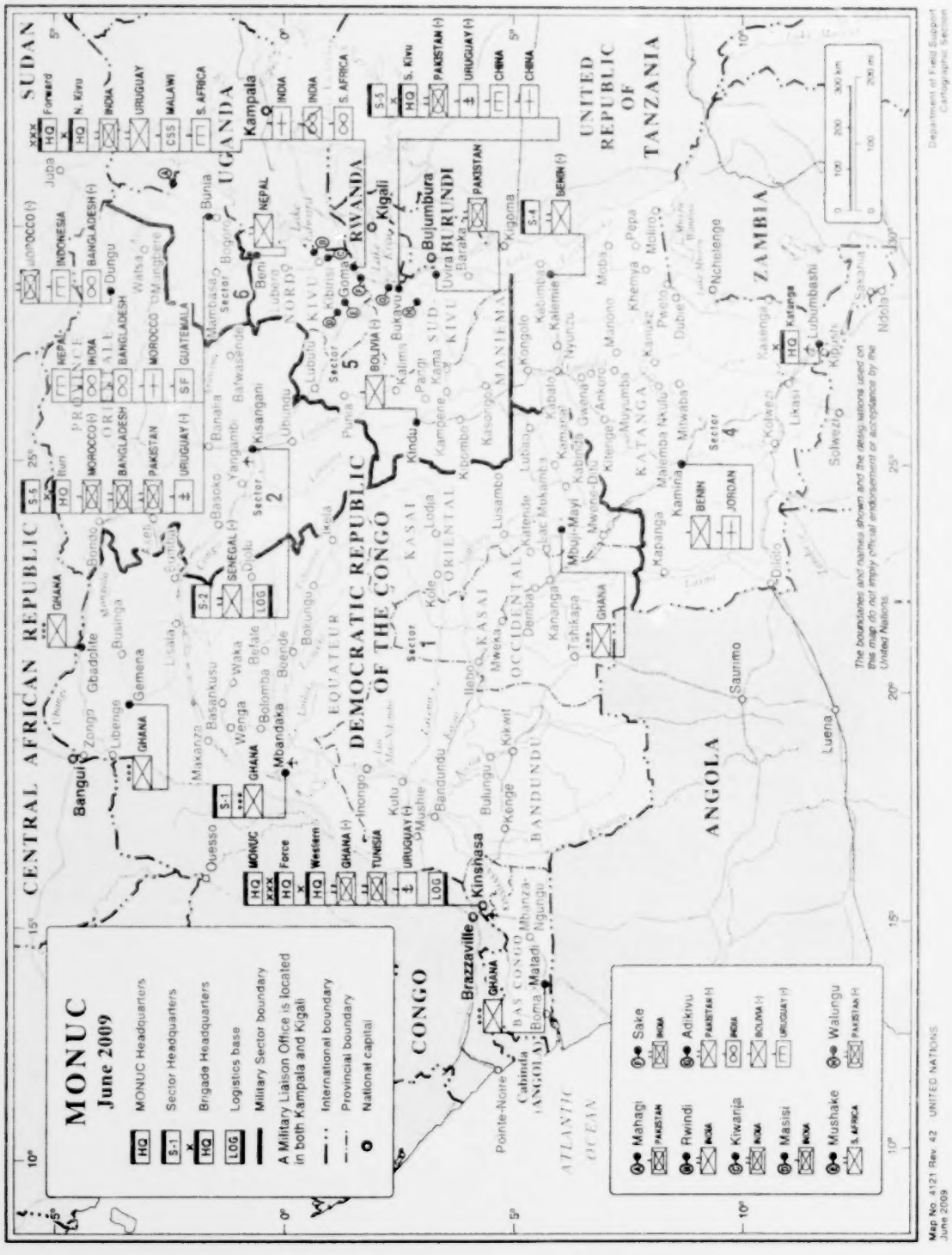
80. I also urge the Government to take action to accelerate critical reforms, including in the areas of public services, financial management and decentralization. In the light also of the constraints imposed by the deterioration in the global economic and financial situation, I encourage the Government of the Democratic Republic of the Congo to make the best use of scarce resources for development cooperation and investment.

81. The fight against impunity continues to be a major challenge in the Democratic Republic of the Congo requiring the engagement of the Government at the highest levels to hold those responsible for human rights and other abuses accountable for their actions. In this connection, MONUC is developing an action plan for the next 12 to 24 months which includes priority actions to ensure the implementation of the comprehensive strategy on combating sexual violence which has been agreed with the Government of the Democratic Republic of the Congo and partners. I would also like to encourage the Government of the Democratic Republic of the Congo to establish a forum for consultation with international partners on governance and rule of law issues.

82. In the light of these complex challenges and opportunities, and in order to implement the progressive handover of MONUC tasks in the western part of the country, MONUC and the United Nations country team will develop an overarching strategy for the United Nations system in the Democratic Republic of the Congo that includes a shared vision of the objectives and priorities of the United Nations and a set of agreed results, timelines and responsibilities for tasks critical to consolidating peace throughout the country. The strategy will detail the progressive handover of

MONUC tasks in the western part of the Democratic Republic of the Congo on the basis of the recommendations outlined in my report of 27 March 2009 (S/2009/160). The strategy will also incorporate the strategic workplan of MONUC which was shared with the Security Council mission to the Democratic Republic of the Congo on 18 and 19 May, the system-wide concept on the protection of civilians and the multidimensional approach to FDLR referred to in paragraphs 74 and 75 above.

83. Finally, I would like to express my sincere gratitude to all MONUC civilian, military and police personnel, who, under the leadership of my Special Representative for the Democratic Republic of the Congo, Alan Doss, have continued to show determination and selfless dedication under very difficult conditions in support of the Congolese people during a critical period in their history. I would also like to express my gratitude to my Special Envoy for the Great Lakes Region, Olusegun Obasanjo, and to the United Nations country team and the humanitarian community, who are toiling to save lives in a challenging environment. My continuing appreciation to the countries contributing troops to MONUC and to their uniformed personnel, as well as to donor countries and multilateral and non-governmental organizations that are providing much needed support during the ongoing crisis in the eastern part of the Democratic Republic of the Congo.


MONUC
June 2009
MONUC Headquarters
Sector Headquarters
Brigade Headquarters
Logistics base
Military Sector boundary
A Military Liaison Office is located in both Kampala and Kigali
International boundary
Provincial boundary
National capital
CENTRAL AFRICAN REPUBLIC
SUDAN
UGANDA
RWANDA
BURUNDI
DEMOCRATIC REPUBLIC OF THE CONGO
CONGO
ANGOLA
ZAMBIA
UNITED REPUBLIC OF TANZANIA
Bangui
Kinshasa
Brazzaville
Kampala
Kigali
Bujumbura
Juba
Bunia
Goma
Bukavu
Kisangani
Mbandaka
Kindu
Kolwezi
Lubumbashi
Luena
Saurimo
Pointe-Noire
Sector 1
Sector 2
Sector 3
Sector 4
Sector 5
Sector 6
Mahagi
Sake
Rwindi
Adikivu
Kiwanja
Masisi
Mushake
Walungu
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June 2009
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Security Council

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7 July 2009

Original: English

Letter dated 7 July 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 1 July 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). The letter relates directly to the ability of the Tribunal to complete its work.

In his letter, President Byron states that the Russian Federation intends to replace Judge Sergei Aleckseevich Egorov when he resigns from the Tribunal. President Byron requests that, though replaced, Judge Egorov should be permitted to continue to serve at the International Tribunal until the completion of the cases to which he was assigned. The Tribunal would therefore have two permanent judges from the Russian Federation serving at the same time. He also requested that the Security Council allow derogation from the statutory prohibition against two judges of the same nationality serving at the Tribunal at the same time.

I would be grateful if you could bring the letter from President Byron to the attention of the members of the Security Council. I would appreciate the Security Council considering this matter at the earliest opportunity in order to provide the Tribunal with the continuity and certainty necessary for the efficient completion of its work.

(*Signed*) **Ban** Ki-moon
Secretary-General

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Annex

Letter dated 1 July 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

I am writing to you as a follow-up to my letter of 15 June 2009 in which I explained the need for an additional judge to serve at ICTR (International Criminal Tribunal for Rwanda).

In addition to my suggestions to recur to former permanent ICTY (International Tribunal for the Former Yugoslavia) judges or to the ad litem judges included in the ICTY roster for the recruitment of an additional judge, a third possible option has now appeared: The Russian Federation has approached me with the wish to nominate a permanent judge to replace Judge Egorov who has expressed his wish to return to his home country after completion of the cases he is currently assigned to.

In my letter of 23 June 2009 to the Russian Foreign Ministry, I pointed out that the Tribunal would support this request on the condition that the judge would be available to join the Tribunal in the coming two months so that he could be assigned to the remaining new trials which are all supposed to start no later than September 2009.

I have received a reply dated 30 June 2009 indicating that the Russian Federation "accepts[s] the proposal that a replacement judge would commence his or her service within the next two months". With this undertaking in mind, I would therefore support the Russian request for a replacement for Judge Egorov as a permanent judge. This judge should join the Tribunal as soon as possible and join the bench in one or two of the new cases.

Judge Egorov has agreed to submit his resignation to facilitate the process. In order to ensure that he can complete his work on the cases he is assigned to and which are still in judgement drafting phase, the Security Council would need to authorize him to finish these cases, notwithstanding his resignation and notwithstanding article 11, paragraph 1, of the Tribunal's Statute. The Security Council used a similar procedure in, for example, resolution 1482 (2003).

I would be grateful if you could bring this urgent matter to the attention of the Security Council.

(*Signed*) Dennis **Byron**
President

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Report by the Secretary-General concerning the credentials of the alternate representatives of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 29 June 2009 from the Permanent Mission of the Russian Federation to the United Nations stating that Oleg A. Demekhin and Boris V. Chernenko have been appointed alternate representatives of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, the note verbale constitutes adequate provisional credentials.

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